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TAGS: [PREF](#) [PGOV](#) [PHUM](#) [KDEM](#) [CVIS](#) [AJ](#)  
SUBJECT: P-1 REFERRAL FOR U.S. RESETTLEMENT PROGRAM:  
KHALIL, AGIL

REF: A. BAKU 167  
[B](#). BAKU 257  
[C](#). BAKU 481

Classified By: Ambassador Anne E. Derse per 1.4 (b,d).

[1](#)1. (C) SUMMARY: The Embassy has identified Azerbaijani journalist Agil Khalil as a candidate for the U.S. Resettlement Program as a Priority One referral. Khalil submitted a written request for refugee resettlement in the U.S. to the Embassy. In this request, Khalil alleges that he is in danger of retaliation by elements within the government of Azerbaijan because of his investigation into their corrupt business activities. Since February of this year, he claims to have suffered two physical attacks, including a severe beating and a near-fatal stabbing. Khalil alleges that he identified his assailants as known Ministry of the National Security (MNS) officers. He also alleges he was physically abused during an interrogation by two investigators from the Prosecutor General's Office (PGO). Khalil claims that he is under constant surveillance and is being pressured and intimidated to drop his criminal complaint against the assailants. The incidents of violence and intimidation against Khalil are the latest in the continuing trend of attacks and threats against journalists in Azerbaijan. Khalil's case is supported by several well-known opposition journalists working in Azerbaijan and has been highlighted by the OSCE, Reporters Without Borders and several local human rights activists. Post has been closely monitoring Khalil's case and finds his claim credible. END SUMMARY.

#### KHALIL'S CASE

[1](#)2. (C) According to Khalil, he has worked as a reporter for the opposition newspaper Azadliq for almost two years. This newspaper, affiliated with the opposition Popular Front Party, has been under a constant assault by the government for its investigative reporting and critical coverage of the government. Khalil's reporting focused on economic issues, particularly government corruption and other issues sensitive to the Government of Azerbaijan. According to Khalil and other journalists, the attacks against him were brought to silence him. Khalil told us that he no longer feels safe living in Azerbaijan after these attacks and the continuing pressure he has experienced.

[1](#)3. (C) The first assault on Khalil took place on February 22, 2008 (ref a). According to Khalil, he was assigned to investigate reports that trees were being chopped down and burned in Baku's famous "Olive Gardens Park." Khalil arrived at the gardens to investigate and was confronted by two unidentified men who demanded to know who he was and why he was taking photographs. Khalil identified himself as a journalist and presented his press identification, which the two men confiscated. Khalil said that one of the men struck him on the neck and then tried to choke him with his camera strap. Khalil ended up on the ground and the two men repeatedly kicked him. Three passersby filmed the incident

using their mobile phones, and posted it on Youtube. Based on the footage, Khalil claims to have identified his attackers as MNS officers Akif Chovdarov and Dagbei Allahverdiyev. (Comment: One of the alleged attackers, Akif Chovdarov, is a known MNS officer who is widely recognized in the general public for his role in the investigation and break up of a kidnapping and extortion ring within the Ministry of Internal Affairs. End Comment)

¶4. (C) Khalil stated that he was taken to a public hospital where physicians examined his injuries. Emboff who met with him shortly after this assault took place observed that his right hand was bandaged; he had a fractured finger on a splint; he had a bandage over his right eye and there were traces of bruising under his eye and on his throat. Khalil also complained of extensive bruising on his chest and over his liver. Following this attack, Khalil filed a criminal complaint with the local police station. According to Khalil, he then started getting dozens of phone calls from unknown numbers; in each instance, the caller did not speak. Khalil said that he was also offered a bribe of 20,000 dollars by government officials on two separate occasions to drop his complaint.

¶5. (C) The second attack took place on March 13, 2008, when Khalil was stabbed near his heart (ref b). According to Khalil, he was walking from his newspaper's offices when he noticed two individuals following him. He broke into a run, but assailants caught up with him, and were joined by two others. One assailant held Khalil while another stabbed him.

Khalil survived the attack, but lost a significant amount of blood and had to undergo minor surgery. Following this attack, Khalil met with the Ambassador in his hospital room. He appeared visibly weak and frightened.

¶6. (C) The third attack and an attempted kidnapping

reportedly took place on May 7, 2008 (ref c). According to Khalil, he was attacked by four unidentified individuals on a subway train in Baku, but he managed to fight them off. When he got off the train, the same individuals attempted to force him into a car and kidnap him. Following this incident, Khalil filed another complaint with the PGO and then fled to his parents, home in rural Kurdamir. Two PGO investigators traveled to Kurdamir to question him. Khalil said that during the course of questioning over the next two days, the investigators slapped him, beat him on the abdomen, slammed his fingers in a door and covered his mouth with a cellophane-like material to prevent him from breathing. Although Khalil filed a complaint about these beatings with the Prosecutor General, no investigation has been completed up to this point.

¶7. (C) Khalil filed criminal complaints following each of the assaults against him. The Government of Azerbaijan, however, to date has not taken serious steps to investigate the complaints. On the contrary, the government has been carrying out a PR campaign against Khalil, alleging that the attacks against him were the result of his alleged sexual liaison with another man. In a widely publicized statement carried on TV and in the print media, the Prosecutor General Zakir Garalov announced that there was no proof that Khalil was attacked in either February or May, and that the stabbing in March was by Khalil's alleged homosexual lover Sergey Strekhalin. Several TV stations also ran reports describing Khalil's alleged homosexual affair and stating that his family was satisfied with the conduct of the PGO's investigation, which Khalil stated was untrue. OSCE Special Media Representative Milkos Haraszti, who has been closely following Khalil's case, branded this press coverage a massive propaganda campaign "prepared and managed from a single center."

¶8. (C) The PGO also announced that they opened a criminal case against Khalil's alleged former lover. According to Khalil, they are now using this case as the grounds for preventing him from leaving the country. With assistance from the Embassy of Norway, Khalil attempted to leave Azerbaijan three times between May 9 and 11. At each border crossing -- Baku International Airport, a land border with Russia and a land border with Iran -- border officials told Khalil he could not leave the country due to unspecified problems with the authorities. As recently as June 19, he

again attempted to leave for France via the Baku International Airport and was prevented from boarding by border officials.

#### FEARS FOR HIS SAFETY

9. (C) The Embassy believes that Khalil continues to face a very real threat to his security. This conclusion is shared by other Western embassies, international NGOs and local activists who have been monitoring his case. OSCE Special Media Representative Milkos Haraszti privately told us that he believes that Khalil is being persecuted in retaliation for his investigative reporting into government corruption. He said that credible sources informed him that Khalil's case might stem from the fact that he stumbled into a long-running feud between the Ministries of Internal Affairs and National Security in carrying out his work as a journalist. He characterized attacks against Khalil as typical Soviet-style dirty tricks, part of a long term pattern of government officials abusing the justice system and the media to punish perceived enemies.

10. (C) Despite repeated appeals for action by embassies and international organizations to the Azerbaijani government at all levels, no government agency is taking Khalil's complaints seriously. In the last two weeks, the government, in response to the international pressure, took some limited steps to improve Khalil's security by assigning three police officers to guard him. However, this is at best a temporary measure and will not guarantee Khalil's safety in the long run. More importantly, the absence so far of any strong statement by the government condemning violence against journalists or of any real action to investigate or prosecute those responsible has sent a clear signal that such attacks were acceptable and can be carried out with impunity.

#### RECOMMENDATION

11. (C) The Embassy has been closely monitoring Khalil's case and strongly believes that he is in serious danger of being further harmed or killed. The actions against Khalil are politically motivated because he is being persecuted in retaliation for his investigative reporting into government corruption. Based on the above information and Department's interest in this case, we believe that Khalil has a well founded fear of persecution and recommend him for acceptance into the U.S. Resettlement Program.

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